

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Mines and Minerals – Mining Lease for Limestone over an extent of 629.22 Hec in Sy.No.376 of Budawada Village, Jaggaiahpet Mandal, Krishna District to M/s.Jaypee Balaji Cement Project (a unit of Jaiprakash Associates Limited) for a period of 30 years – Granted – Orders - Issued.

INDUSTRIES AND COMMERCE (MINES.II) DEPARTMENT

G.O.Ms.No.59

Dated:28-02-2012
Read the following:

1. From M/s Jaypee Cement Limited., Mining Lease application, Dt:25.08.2006.
2. From the Director of Mines & Geology, Hyderabad File No.6337/R2-2/2007, dated:06-07-2007.
3. Govt.memo.No.10889/M.II(2)/2007-1, dated:25.01.2008.
4. From the Director of Mines & Geology, Hyderabad File No.6337/R2-2/2007, dated:14-06-2010.
5. Govt.memo.No.8807/M.II(2)/2010-1, dated:03.03.2011.
6. From the Director of Mines & Geology, Hyderabad File No.6337/R2-2/2007, Dated:26.07.2011
7. Govt.Memo.No.8807/M.II(2)/2010-3, dated:09.09.2011
8. From the Director of Mines & Geology, Hyderabad File No.6337/R2-2/2007, dated:16-01-2012.
9. Govt.Memo.No.8807/M.II(2)/2010-4, dated:19.01.2012
10. From the Director of Mines & Geology, Hyderabad File No.6337/R2-2/2007, Dated:23.02.2012

ORDER:-

In the reference first read above, M/s. Jaypee Cements Limited, have applied for grant of Mining Lease for Lime stone over an extent of 900.00 Hectares in Survey No.376 of Budawada Village, Jaggaiahpeta Mandal, Krishna District for a period of 30 years.

2. In the reference second read above, the Director of Mines & Geology has sent proposals for grant of Mining lease for Lime stone over an extent of 704.750 Hectares in Sy.No.376 of Budawada Village, Jaggaiahpeta Mandal, Krishna District in favour of M/s.Jaypee cements Limited, while rejecting the 2nd Mining Lease application of M/s.The India Cements Limited, subject to submission of Forest Clearance and also subject to obtaining the Consent for Establishment from APPCB, Environmental Clearance and Environmental Public Hearing from the Ministry of Environment and Forest, New Delhi and further the Director of Mines and Geology, Hyderabad has requested the Government to issue a notice to the applicant company to submit the Approved Mining Plan under Rule 22(4) of Mineral Concession Rules, 1960.

3. In the reference third read above, Government have proposed to grant of Mining Lease for Lime stone over an extent of 704.750 Hectares in Sy.No.376 of Budawada Village, Jaggaiahpeta Mandal, Krishna District in favour of M/s.Jaypee cements Limited, subject to submission of Forest Clearance and also subject to obtaining the Consent for Establishment from APPCB, Environmental Clearance and Environmental Public Hearing from the Ministry of Environment and Forest, New Delhi and also subject to providing access/approach road to M/s.Madras Cements Limited to their Mining Lease areas as per the sketch and subject to submission of Approved Mining Plan under Rule 22(4) of MC Rules, 1960 within 6 months from the date of receipt of this memo and also reject the later Mining Lease application dt:05.09.2006 of M/s.The India Cement Limited.

[P.T.O]

The proposed grant is subject to satisfaction of Mines and Minerals (Development and Regulation) Act, 1957 and rules made thereunder and subject to satisfaction other applicable Acts and Rules in this regard. They shall utilize the Limestone for Captive purpose in their proposed Cement Plant to be set up in the Andhra Pradesh State. M/s Jaypee Cements Limited are requested to submit the Mining Plan approved by the Indian Bureau of Mines, Hyderabad for the above area within a period of 6 months from the date of the memo through the Director of Mines and Geology for consideration of their Mining Lease application. If they fail to submit the same, it will be presumed that they have no interest in their Mining Lease application and further action will be taken based on the material available with the Government. Accordingly the application of M/s India Cement Limited dated:05.09.2006 was rejected.

4. In the reference forth read above, the Director of Mines & Geology, Hyderabad has stated that M/s. Jaiprakash Associates Ltd., have given representation dated:03-07-2009 for change of name of the applicant company in terms of amalgamation sanctioned by the Hon'ble High Court of Judicature of Allahabad, U.P. vide order dated:15-05-2009, M/s. Jaypee Cements Limited stands merged with M/s. Jaiprakash Associates Limited w.e.f 27-05-2009 and the Cement plant being put up by M/s. Jaypee Cement Ltd., will henceforth be known as Jaypee Balaji Cement Project (a unit of Jaiprakash Associates Ltd.,) and requested the Government to consider for change of name of the applicant company from M/s. Jaypee Cement Ltd., to M/s.Jaypee Balaji Cement Project (a unit of M/s. Jaiprakash Associates Ltd.), as per Rule 62 of MC Rule 1960. The Director of Mines & Geology requested the Government to consider for change of name of the company from M/s. Jaypee Cement Ltd., to M/s.Jaypee Balaji Cement Project (a unit of M/s. Jaiprakash Associated Ltd.), as per Rule 62 of Mineral Concession Rules 1960. The Government in the reference fifth read above, the Director of Mines & Geology, Hyderabad was requested to furnish the certain information i.e., clear sketch of area and Forest clearance of the area, etc.

5. In the reference sixth read above, the Director of Mines & Geology, Hyderabad has stated that M/s. Jaypee Balaji Cement Project., vide Lr.No: JAL/JBCP/3A/2010/577, Dt:04.10.2010 have informed that the company M/s. Jaypee Cements Limited stands merged with M/s. Jaiprakash Associates Limited vide the scheme of amalgamation approved by Hon'ble High Court of Judicature of Allahabad in company petition No.14/2009 connected with company application No.3/2009 dated:15.05.2009, a request for change of name from M/s. Jaypee Cements Limited to Jaypee Balaji Cement Project (a Unit of M/s. Jaiprakash Associates Limited) was made vide their Lr.No:JAL/JBCP/3A/2010/451, Dt:03.07.2009. Further they have informed that the Board of Directors of M/s. Jaiprakash Associates Ltd., in their meeting held on June 6th 2009 "Resolved that consequent upon the Amalgamation of Jaypee Cements Limited (JCL) with the company in terms of the Scheme of Amalgamation sanctioned by the Hon'ble High Court of Judicature at Allahabad, vide its order Dt:15.05.09, the Cement Plant with Coal based Captive Power Plant being set up by the erstwhile Jaypee Cements Limited at Budawada (V), Jaggayyapeta (M), Krishna District of Andhra Pradesh; be and is hereby renamed as "Jaypee Balaji Cement Project (A unit of Jaiprakash Associates Ltd.)" and further stated that the information; along with all the documents; was submitted to the Commissioner of Industries, who is Nodal Officer for Single Window Clearance system. He, in turn, has communicated to all the concerned departments regarding change in name from Jaypee Cements Ltd. to Jaiprakash Associates Limited. Accordingly the A.P. Pollution Control Board has issued the Consent for Establishment in the changed name; M/s Jaypee Balaji Cement project (a unit of M/s. Jaiprakash Associates Limited); on 15.03.2010.

6. The Director of Mines & Geology further stated that the Prl. Chief Conservator of Forests vide his Rc.No:20649/2008/F2, Dt:20-10-2010 has submitted proposal to Special Chief Secretary to Government, Environment, Forest, Science and Technology Department of A.P, Hyderabad stating that initially the user agency has applied for diversion of 704.75 Hect of Forest Land in Budawada Forest R.F, the area proposed for lime stone mining. After survey, the area proposed for diversion has been reduced to 629.22 Hects and hence submitted proposals in 4 sets along with required information and approved mining plan for diversion of 629.22 Hectares of Forest Land in Sy.No.376 (Compt No:5 & 6) of Budawada R.F., Krishna Division for grant of lime stone mining in favour of M/s. Jaypee Balaji Cement Project (A unit of Jaiprakash Associates Ltd.,). Accordingly the Ministry of Environment and Forest Government of India addressed vide F.No: 8-93/2010-FC, Dt: 01-03-2011 to the Spl. Secretary to Government of A.P after consideration of the State Government of A.P accorded stage -1 approval for the diversion of 629.22 Hectares subject to the fulfillment of certain conditions mentioned therein. The condition No: Xii & Xiii is as follows

xii) The user agency shall prepare and detailed plan for reclamation of the mined over area in a phased manner and provide funds for its implementation. The stage - II approval shall be issued only after acceptance of the reclamation plan by the Ministry.

xiii) The user agency shall prepare a revised mining plan for the forest land in consonance with the forest land proposed for diversion;

7. The Director of Mines & Geology, Hyderabad has therefore stated that M/s. Jaiprakash Associates Limited had requested to issue Revised Orders for grant of Mining Lease for extraction of lime stone over an extent of 629.22 Hectares in the name of M/s.Jaypee Balaji Cement Project (A unit of M/s. Jaiprakash Associates Limited.) instead of 704.75 Hectares which was proposed for grant earlier in Government Memo No.10889/M.II(2)/2007-1, dated:25.1.2008 in the name of M/s. Jaypee Balaji Cement Project in Sy.No.376 of Budawada Reserve Forest, Jaggayyapet Mandal, Krishna District.

8. The Director of Mines & Geology, Hyderabad has requested the Government to issue revised orders for submission of Approved Mining Plan to the proposed grant of Mining Lease for lime stone over an extent of 629.22 Hectares; instead of 704.75 Hectares as per orders issued vide Govt. Memo No.10889/M.II(2)/2007-1, dated 25.01.2008; in the name of M/s. Jaypee Balaji Cement Project., (A unit of M/s.Jaiprakash Associates Limited)

9. In the reference seventh read above, Government have proposed to grant of Mining Lease for Lime stone to the reduced area over an extent of 629.22 Hectares (instead of 704.75 Hectares as per earlier orders issued vide Govt. Memo No.10889/M.II(2)/2007-1, dated 25.01.2008) in the name of M/s. Jaypee Balaji Cement Project, (A unit of M/s.Jaiprakash Associates Limited) as per the scheme of Amalgamation sanctioned by the Hon'ble High Court of Allahabad, U.P, vide order dated:15.05.2009, subject to conditions as mentioned in the Government memo 3rd cited, and also subject to satisfaction of MM (D&R) Act, 1957, and also the Mineral Concession Rules, 1960 and other relevant rules and regulations applicable and also subject to submission of Approved Mining plan under rule 22 (4) of MC Rules 1960 within a period of 6 months. Accordingly, M/s. Jaypee Balaji Cement Project., (A unit of M/s.Jaiprakash Associates Limited) was requested to submit the Mining Plan Approved by the IBM, Hyderabad, for the above area referred to at para-10 above; through the authorities concerned, within a period of six (6) months from the date of receipt of the memo for consideration of their Mining Lease Application, subject to satisfaction of MM(D&R) Act, 1957, Mineral Concession Rules, 1960 and other relevant rules and regulations applicable and also subject to submission of Approved Mining

plan under rule 22 (4) of MC Rules 1960 and to submit the Consent for Establishment (CFE) from the A.P. Pollution Control Board and Environmental Clearance from the Government of India under Environmental Impact Assessment as per S.O.No.1533, dt.14-09-2006. If, they fail to submit the same within the stipulated time, it will be construed that they have no interest in their Mining Lease application and further action will be taken based on the material available with the Government.

10. The Director of Mines and Geology, Hyderabad has requested the Government to issue necessary amendment to the Memo No.8807/M.II(2)/2010-3, dt:09.09.2011. Accordingly Government vide reference ninth read above have amended said memo and requested to submit the revised Approved Mining Plan.

12. The Director of Mines and Geology, Hyderabad while submitting the Revised Approved Mining Plan has recommended for grant of Mining Lease for Limestone over an extent of 629.22 Hec in Sy.No.376 of Budawada Village, Jaggaiahpet Mandal, Krishna District to M/s.Jaypee Balaji Cement Project (a unit of Jaiprakash Associates Limited) for a period of 30 years, as the company has obtained the Forest Clearance, Environment Clearance and consent for Establishment from A.P. Pollution Control Board.

13. Government after careful examination of the above proposal of the Director of Mines and Geology, Hyderabad hereby grant Mining Lease for Limestone over an extent of 629.22 Hec in Sy.No.376 of Budawada Village, Jaggaiahpet Mandal, Krishna District to M/s.Jaypee Balaji Cement Project (a unit of Jaiprakash Associates Limited) for a period of 30 years, for Captive purpose, subject to satisfaction of all other terms and conditions laid down in MC Rules, 1960 and MM(DR) Act, 1957, and to the additional conditions specified in the Appendix to this order.

14. The rates of royalty, dead rent and surface rent and water charges shall be collectable as follows, or as revised by the Government from time to time.

I. Rates of Royalty:

Limestone:-

- (a) L.D.Grade: Seventy two rupees per tonne.
(lessthan one and half percent Silica content)
(b) Others : Sixty three rupees per tonne.

Or

as revised by the Government
from time to time.

II. Dead rent:(Rates of Dead rent in Rupees per hectare per annum or as revised by Government from time to time)

From second year	3 rd year and 4 th year	Firth year onwards
200/-	500/-	1000/-

III. Surface rent and Water charges and also cess: As fixed by the Govt., from time to time.

15. The grantee should pay a deposit Rs.10,000/- as prescribed under Rule 32 of the Mineral Concession Rules, 1960 before the lease is actually executed.

16. The grantee should execute the lease deed within the time limit specified in Rule 31 of Mineral Concession Rules, 1960.

17. The terms and conditions referred to in para 13-16 of this order are subject to such further modifications, additions and alterations as may be ordered before the lease deed is executed.

18. The Director of Mines and Geology is requested to take necessary further action for execution of the lease deed after satisfying himself that the grantee fulfilled all the required provisions of the Amended Act and Rules. As soon as the deed is executed, the date of such execution should be reported to the Government.

Note:-The grant is liable for cancellation should it be found that it was grossly inequitable or was made under a mistake of fact or owing to misrepresentation or fraud or in excess of authority.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

DR. PREM CHAND
PRINCIPAL SECRETARY TO GOVERNMENT

To.

M/s. Jaypee Balaji Cement Project (A unit of Jaiprakash Associates Limited)
JA House 63, Basant Lok,
Vasant Vihar,
New Delhi – 110 057. [By RPAD]

The Director of Mines & Geology, Hyderabad. (with file)

Copy to:

The Zonal Joint Director of Mines & Geology, Ongole, Prakasam District..

The Assistant Director of Mines and Geology, Nandigama, Krishna District.

The District Collector, Krishna District.

The Secretary to Govt. of India, Ministry of Mines,
Sastry Bhavan, New Delhi-110 001

The Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines,
Nagpur - 440 001.

The Director General, Mines Safety, Dhanbad, Jarkhand.

The Regional Controller of Mines, Koti, Hyderabad.

The Ind. & Com.(IF-Cell) Dept.,

The P.S. to Prl.Secretary to Govt., Ind. & Com Dept.,
SF/SC

" A copy of this order is available on the Internet and can be accessed at the address "<http://www.ap.gov.in/goir>".

//FORWARDED BY ORDER//

SECTION OFFICER